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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/825,604
Filing Date: April 03, 2001
Appellant(s): AQUILA ET AL.

Young A. Tang
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 30, 2008 appealing from the Office

action mailed October 9, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct, however, additionally, claims 25, 73-78, and 80-82 have been amended subsequent to the brief.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

The amendment after final rejection filed on October 20, 2008 has been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows: The ground of rejections to be reviewed on appeal is whether **newly amended** claims 25, 73-78, and 80-82 and **previously presented** claims 84-89 and 91-93 are all anticipated by U.S. Patent Number 6,810,383 to Loveland ("Loveland") under 35 U.S.C. § 102(e) .

(7) Claims Appendix

A substantially correct copy of appealed claims 25, 73-78, 80-82, 84-89, and 91-93 appears on pages 16-20 of the Appendix to the appellant's brief. The minor errors are as follows: Claims 25, 73-78, and 80-82 were amended by applicant on October 20, 2008.

A correct copy of all pending/appealed claims was submitted by appellant on October 20, 2008.

(8) Evidence Relied Upon

6,810,383   LOVELAND   10-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 25, 73-78, 80-82, 84-89, and 91-93 are rejected under 35 U.S.C. 102(e) as being anticipated by Loveland, U.S. Patent No. 6,810,383.

3.   As per claim 25, Loveland teaches a computer comprising: a processor; and a memory, coupled to the processor and having computer program code embodied therein for enabling the processor to: receive data related to the insurance claim, the data comprising a plurality of data elements, a data element serving as an assignment criterion (see column 14, lines 3-14); assign a score to a first and second data elements based on scoring rules, wherein each data element includes one or more data from the group consisting of policy information, repair cost, and location of incident (see column 14, lines 35-44); determine an overall score of the insurance claim based on the assigned scores (see column 15, lines 2-9, the Examiner interprets the final result of project parameters being defined and appropriate rules applied to be a form of overall

score of the claim); determine a class of the insurance claim according to classing rules

(see column 14, lines 37-39, the Examiner interprets type of loss to be a form of class of

insurance claim); determine a type of assignee to whom to assign the insurance claim

according to the application of business rules to the overall score of the insurance claim

and the class of the insurance claim, wherein the business rules weight the class more

highly than the score (see column 15, lines 22-28, column 15, lines 38-67 and column

16, lines 1-5, the type or class of claim is weighted more highly because only those

service providers who are qualified to perform the project are matched based on the

assignment process).

4.   Claims 73-74, 76-77, and 81 contain substantially similar limitations to those

already addressed in claim 25 and, as such, are rejected for similar reasons as given

above.

5.   As per claim 75, Loveland teaches the computer of claim 73 as described above.

Loveland further teaches the claim score reflects a severity of the insurance claim (see

column 14, lines 42-43).

6.   As per claim 78, Loveland teaches the computer of claim 73 as described above.

Loveland further teaches an assignee comprises an element of a group comprising a

repair facility (see column 11, lines 46-49).

7.   As per claim 80, Loveland teaches the computer of claim 73 as described above.

Loveland further teaches an effect of the first data element on the claim score is greater

than an effect of the second data element on the claim score (see column 15, lines 38-57).

8. As per claim 82, Loveland teaches the computer of claim 73 as described above. Loveland further teaches determining a first set of profiles, wherein each profile in the first set represents a potential assignee of the determined type, and wherein each profile in the first set includes a profile score (see column 15, lines 52-57); determining a second set of profiles, wherein the second set contains profiles in the first set that have the highest profile scores, and wherein each profile in the second set includes a measure of capacity to complete the insurance claim (see column 15, lines 58-67); and determining, from the second set of profiles, a profile with the largest measure of capacity (see column 16, lines 1-3).

9. Claims 84-89 and 91-93 contain substantially similar computer program product limitations to computer claims 73-78 and 80-82 and, as such, are rejected for similar reasons as given above.

(10) Response to Argument

In the appeal brief filed May 30, 2008, Appellant makes the following arguments.

Claims 25, 73-76, 78, 80-82, 84-87, 89, and 91-93

(A) Loveland fails to teach or suggest "assigning a score to data elements" limitation recited in finally rejected claims 25, 73, and 84.

(B)   Loveland fails to teach or suggest "determining an overall score of insurance based on assigned scores" limitation recited in finally rejected claims 25, 73, and 84.

(C)   Loveland fails to teach or suggest "determining a type of assignee based on the overall score and class of the insurance claim, and also weighting class more highly than the score" limitation recited in finally rejected claims 25, 73, and 84.

(D)   Appellant argues that claims 74-76, 78, and 80-82 depend from and add additional limitations to claim 73. Appellant further argues that Loveland does not identically disclose every single feature recited in claims 74-76, 78, and 80-82.

(E)   Appellant argues that claims 85-87, 89, and 91-93 depend from and add additional limitations to claim 84. Appellant further argues that Loveland does not identically disclose every single feature recited in claims 85-87, 89, and 91-93.

(F)   Appellant argues that claims 77 and 88 contain substantially similar limitations to those already addressed in finally rejected claim 25.

Argument (A):

As set forth in the previous Office Action mailed Examiner maintains that this feature/element is well known in the art as evidenced by Loveland. In response to Appellant's first argument that Loveland fails to disclose assigning a score to data elements, the Examiner respectfully disagrees. It is readily apparent that Loveland suggests assigning a score to data elements, (see column 14, lines 3-14 and lines 35-

44, column 15, lines 2-9). Examiner interprets the final result of project parameters being defined and appropriate rules applied to be a form of overall score of the claim.

Argument (B):

As set forth in the previous Office Action mailed Examiner maintains that this feature/element is well known in the art as evidenced by Loveland. In response to Appellant's second argument that Loveland fails to disclose determining an overall score of insurance based on assigned scores, the Examiner respectfully disagrees. It is readily apparent that Loveland suggests determining an overall score of insurance based on assigned scores, (see column 14, lines 3-14 and lines 35-44, column 15, lines 2-9). Examiner interprets the final result of project parameters being defined and appropriate rules applied to be a form of overall score of the claim.

Argument (C):

As set forth in the previous Office Action mailed Examiner maintains that this feature/element is well known in the art as evidenced by Loveland. In response to Appellant's third argument that Loveland fails to disclose determining a type of assignee based on the overall score and class of the insurance claim, and also weighting class more highly than the score, the Examiner respectfully disagrees. It is readily apparent that Loveland suggests determining a type of assignee based on the overall score and class of the insurance claim, and also weighting class more highly than the score, (see column 14, lines 3-14 and lines 35-44, column 15, lines 2-9, lines 22-28, and 38-67, column 16, lines 1-5). Examiner interprets the type or class of claim is weighted more

highly because only those service providers who are qualified to perform the project are

matched based on the assignment process.

Argument (D):

In response to Appellant's fourth argument that Loveland does not identically

disclose every single feature recited in claims 74-76, 78, and 80-82. Appellant's

argument that the cited reference does not disclose certain features of the claimed

invention merely amounts to a general allegation that the claims define a patentable

invention without specifically pointing out how the language of the claims patentably

distinguishes them from the references. Appellant has simply cited a portion of the

reference and concluded that, based on the citation, the reference does not disclose the

claimed invention. Appellant has provided no reasons **why** the cited reference does not

disclose the claimed feature.

Argument (E):

In response to Appellant's fifth argument that Loveland does not identically

disclose every single feature recited in claims 85-87, 89, and 91-93. Appellant's

argument that the cited reference does not disclose certain features of the claimed

invention merely amounts to a general allegation that the claims define a patentable

invention without specifically pointing out how the language of the claims patentably

distinguishes them from the references. Appellant has simply cited a portion of the

reference and concluded that, based on the citation, the reference does not disclose the

claimed invention. Appellant has provided no reasons **why** the cited reference does not

disclose the claimed feature.

Argument (F):

In response to Appellant's sixth argument that Loveland does not identically disclose every single feature recited in claims 77 and 88. Appellant's argument that the cited reference does not disclose certain features of the claimed invention merely amounts to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Appellant has simply cited a portion of the reference and concluded that, based on the citation, the reference does not disclose the claimed invention. Appellant has provided no reasons **why** the cited reference does not disclose the claimed feature.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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/Gerald J. O'Connor/
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